Is Disclosure really necessary?

- VHA Directive 2008-002
- Joint Commission - Ethics, Rights, and Responsibilities (RI 2.90)

The requirement states that patients and when appropriate, families will be told of "unanticipated outcomes" of care

- An adverse event is an untoward incident, therapeutic misadventures, iatrogenic injuries, or other adverse occurrences directly associated with care or services provided within the jurisdiction of a medical center, outpatient clinic, or other VHA facility.

- Disclosure of adverse events refers to the forthright and empathetic discussion of clinically significant facts between providers or other VHA personnel and patients or their personal representative about the occurrence of a harmful adverse event, or an adverse event that could result in harm in the foreseeable future.

Types of Disclosures

Clinical Disclosure

This is an informal process for informing patients or their personal representative of harmful adverse events related to the patient's care. One or more of the members of the clinical team:

provides factual information to the extent known
- express concern for the patient's welfare, and
- reassures the patient and personal representative that steps are being taken to
- investigate the situation, remedy any injury and prevent further harm.

Documentation is mandatory using the CPRS template

Institutional Disclosure

This is a formal process since it involves cases resulting in serious injury or death, or those involving reasonably expected serious injury or potential legal liability.

- Institutional disclosure should not take place until organizational leaders (e.g., facility Director, Chief of Staff, Nurse Executive and members of the treatment team), have conferred with the Regional Counsel and addressed what is to becommunicated, by whom and how.
- The patient or personal representative and any family member(s) designated by the patient or personal representative are invited to meet with institutional leaders and others, as appropriate.
- An apology is made and information about compensation and procedures available to request compensation is provided when appropriate.

Documentation is mandatory using the CPRS template

Timeframe for Disclosures

- Clinical disclosure will occur within 24 hours of the discovery of the adverse event.
- Institutional disclosure will occur within 24 to 72 hours of the discovery of the event.

Instructions for completing Disclosure of adverse events note.

- Click on new note.
- Progress note title: Type in disclosure
- Click on Disclosure of adverse event note

  Fill in the items below:
  - Date, time and place of discussion:
  - Names of those present:
  - Discussion points of the adverse event:
  - Offer of assistance including bereavement support:
  - Questions addressed in the discussion:
  - Advisement of 1151 claims process and right to file administrative tort claim:
  - Continued communications regarding the adverse event:

For additional information, questions, concerns or assistance please contact:
Linda Turner, Risk Manager at extension 6180 or 369-7636